

REMARKS

The presently claimed invention features methods for determining whether cells include specific variances in the methylenetetrahydrofolate reductase gene.

On June 19, 2002, Applicant filed a Sequence Listing containing a nucleotide sequence of the methylenetetrahydrofolate reductase (MTHFR) gene, which was identified by name and GenBank® Accession Number in Table 10 of the application. The Sequence Listing was accompanied by a Declaration Regarding Incorporation by Reference. This declaration, signed by Vincent P. Stanton, Jr., stated that the sequence in the Sequence Listing was identical to that incorporated by reference in the application by inclusion of the GenBank® Accession Numbers in Table 10 as of the filing date of the application. It has recently come to Applicant's attention that the sequence of the MTHFR gene in the June 19, 2002 Sequence Listing is not correct. Accordingly, Applicant submits herewith a replacement Sequence Listing containing the correct MTHFR sequence. Also enclosed is a second Declaration Regarding Incorporation by Reference, unsigned (an executed copy will be submitted under separate cover). This declaration states that:

Applicant hereby declares that the sequence listing appended hereto consists of the same sequence information incorporated by reference into the above-captioned application by means of reference to the GenBank® Accession Number, U09806, for the methylenetetrahydrofolate reductase cDNA sequence.

The sequence of SEQ ID NO:1 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number U09806 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number U09806 is assigned the version identifier GI:945022. Exhibit A attached hereto is a printout from the GenBank® Database of GenBank® Accession Number U09806 [GI: 945022]. This printout shows that GenBank® Accession Number U09806 [GI: 945022] replaced an earlier version of the sequence U09806 [GI:499223] on August 17, 1995. Exhibit attached hereto B is a printout from the GenBank® Database of Accession No. U09806 [GI:6174884] showing that it replaced GenBank® Database of Accession No. U09806 [GI:945022] on November 2, 1999.

Applicant : Vincent P. Stanton, Jr.
Serial No. : 09/638,267
Filed : August 14, 2000
Page : 6

Attorney's Docket No. 11926-092001

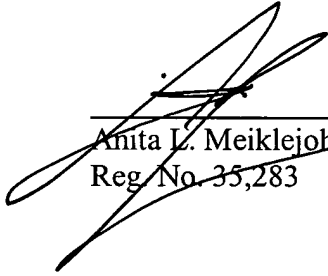
In my first Declaration regarding Incorporation By Reference filed on June 19, 2002, I mistakenly stated that the sequences in the Sequence Listing appended thereto were those incorporated by reference to GenBank® Accession numbers in the above-referenced application. However, for GenBank® Accession number U09806, the Sequence Listing appended to my June 19, 2002 Declaration Regarding Incorporation by Reference had the incorrect version of GenBank® Accession number U09806, namely, GenBank® Accession number U09806 [GI:6174884] rather than GenBank® Accession number U09806 [GI:945022]. This error was made without deceptive intent.

Applicant recognizes that the previously pending claims have been allowed. However, Applicants request that the Examiner examine the pending claims based on the corrected MTHFR nucleotide sequence in the Sequence Listing submitted herewith.

Applicant asks that all claims be allowed. Enclosed is a \$375 check for the Request for Continued Examination fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 10 Sept 2003



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Reg. No. 35,283

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Facsimile: (617) 542-8906


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Revised: July 5, 2002.

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Oct 31 2002 16:00:17

EXHIBIT B OF DECLARATION FOR 09/638,267



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PubMed

Nucleotide

Protein

Genome

Structure

PopSet

Taxonomy

OMIM

Boo

 Search for

Limits

Preview/Index

History

Clipboard

Details

Display

default

Save

Text

Add to Clipboard

Get Subsequence

☐ 1: U09806. Synthetic constru...[gi:6174884]

Links

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 mRNA, complete cds.
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 VERSION U09806.2 GI:6174884
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 AUTHORS Goyette,P., Sumner,J.S., Milos,R., Duncan,A.M., Rosenblatt,D.S.,
 Matthews,R.G. and Rozen,R.
 TITLE Human methylenetetrahydrofolate reductase: isolation of cDNA,
 mapping and mutation identification
 JOURNAL Nat. Genet. 7 (2), 195-200 (1994)
 MEDLINE 95004587
 PUBMED 7920641
 REFERENCE 2 (bases 1 to 2196)
 AUTHORS Frosst,P., Blom,H.J., Milos,R., Goyette,P., Sheppard,C.,
 Matthews,R., Boers,G., den Heijer,M., Kluijtmans,L., van den
 Heuvel,L. and Rozen,R.
 TITLE A candidate genetic risk factor for vascular disease: a common
 mutation in methylenetetrahydrofolate reductase
 JOURNAL Nat. Genet. 10 (1), 111-113 (1995)
 MEDLINE 95375773
 PUBMED 7647779
 REFERENCE 3 (bases 1 to 2196)
 AUTHORS Rozen,R.
 TITLE Direct Submission
 JOURNAL Submitted (17-MAY-1994) Rima Rozen, Pediatrics, Human Genetics and
 Biology, McGill University - Montreal Children's Hospital, 2300
 Tupper St., Montreal, Quebec H3H 1P3, Canada
 REFERENCE 4 (bases 1 to 2196)
 AUTHORS Leclerc,D., Sibani,S. and Rozen,R.
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